

REMARKS

Claims 3-6, 14-42, 45-68, 71-76, 78-80, 82-93 and 95-109 are now pending in the application, of which Claims 3-6, 14-42, 45-68, 71-75, and 82-89 and 95-99 have been withdrawn from consideration. Claims 76, 78-81 and 90-94 stand rejected. Claims 77, 81 and 94 have been cancelled; Claims 76, 90 have been amended. Claims 100-109 have been added for substantive examination. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

EXAMINER INTERVIEW

Applicants thank the Examiner for the courtesy extended during an Examiner Interview on October 12, 2006. During the interview, the pending claims of record in view of the prior art were discussed. The Examiner prepared an Interview Summary for record. During the interview, novel features provided in the instant invention over the art of record were discussed. Specifically, one point of novelty includes a depth sensor associated with the safety mechanism that is adapted to measure a depth of an item being fed into the active portion of the power tool.

SPECIFICATION

The specification has been amended to more clearly recite the function of the depth sensor 214. More specifically, paragraph [0186] has been amended to more clearly capture the function of the depth sensor during operation. Support for the

amendments to paragraph [0186] can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented.

REJECTION UNDER 35 U.S.C. § 112

Claims 76, 78-81 and 90-94 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, with regard to paragraph [0186] of the specification, the following phrases are deemed to be unclear: "... depth sensor 214 that senses if a human extremity is in close proximity to a rotating saw blade ..." and, "In most cutting operations, the thickness of the workpiece 218 that is being cut is relatively consistent

Claims 76, 78-81 and 90-94 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, in independent Claims 76 and 90, the following phrases are deemed to be inaccurate: "a sensing mechanism that measures characteristics of a workpiece to determine a human extremity in proximity to the active portion of a power tool" and "a sensing mechanism that determines a human extremity in proximity to the active portion of a power tool," respectively. This rejection is respectfully traversed.

Applicants have amended paragraph [0186] to clarify the function of the depth sensor. As a result, Applicant respectfully requests withdrawal of the rejection.

REJECTION UNDER 35 U.S.C. § 102

Claims 76, 79-80 and 90-93 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gass (U.S. Publication No. 2002/0170400). This rejection is respectfully traversed.

At the outset, Applicants note that claims 76 and 90 have been amended to more clearly define the sensing mechanism. More specifically, claim 76 has been amended to recite “a depth sensor that measures a depth of an item being fed into the active portion of the power tool”. Similarly, claim 90 has been amended to recite “a depth sensor that measures a depth of an item proximate to the active portion”. Applicants submit that Gass fails to teach or suggest such a feature.

Gass discloses a detection subsystem 22 that is configured to measure a capacitance of a blade 14. As a result, the detection subsystem 22 is able to detect when a person’s body comes into contact with a blade 14 because the capacitance of the blade changes. As a result of the inherent capacitance of the user’s body, when the user touches the blade 14, the capacitance of the user’s body is electrically coupled to the inherent capacitance of the blade, thereby creating an effective capacitance that is larger than the inherent capacitance of the blade alone. Once the measured capacitance satisfies a threshold, a safety mechanism may be actuated.

Gass does not teach or suggest a depth sensor that measures a depth of an item being fed into (or proximate to) the saw blade as claimed in the instant invention. Accordingly, reconsideration and withdrawal of the rejection of claims 76, 79-80 and 90-93 are respectfully requested.

NEW CLAIMS 100-109

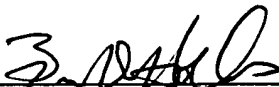
New claims 100-109 have been submitted for substantive examination. New independent claims 100 and 105 each include limitations directed toward the depth sensor. More specifically, claim 100 recites "a depth sensor that measures a depth of an item proximate to the active portion and is operable to determine the presence of a human extremity in proximity to the active portion of the power tool based on said measurement". Claim 105 recites "a depth sensor disposed proximate to the active portion and that measures a depth of an item being fed into the active portion and is operable to determine a change in depth of said item". For the reasons set forth above, Applicants respectfully submit that claims 100 and 105 as well as dependent claims 101-104 and 106-109 therefrom are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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